

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

June 12, 2009

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval of Special Activity Permit 2009-90 for Dr. Andrew Sim of
The Seattle Aquarium, and Designated Assistants

The applicant proposes to collect live both regulated and un-regulated marine life for public display and education in the Seattle Aquarium in Washington State. These activities include the use of small mesh nets to collect various marine fish and invertebrates. They will also be collecting live rocks for use in the displays and to provide a natural habitat for the animals. This request is similar to previous permits, the last being issued in 2007.

RECOMMENDATION:

“That the Board authorize and approve, with stated conditions, this Special Activity Permit for Dr. Andrew Sim of The Seattle Aquarium.”

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson

SPECIAL
ACTIVITY PERMIT SAP 2009-90

State of Hawai'i
Department of Land & Natural Resources
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i 96813

Issued May 22, 2009

Expires May 21, 2010

The Board of Land and Natural Resources hereby grants permission for certain collection of organisms belonging to the people of Hawai'i under the authority of Section 187A-6, Hawai'i Revised Statutes, and all other applicable laws, to:

Andy Sim (permittee)
Seattle Aquarium
1483 Alaskan Way, Pier 59
Seattle, WA 98101

(206) 386-4379

This permit is issued with attached conditions to authorize collection and possession of marine flora and fauna, including live rock, for public display.

This permit, signed by authorized representative of the Department of Land and Natural Resources (the Department), authorizes the permittee, and assistants designated on the final page(s) of, or attachments to, this permit, to engage in activities otherwise prohibited by law, subject to the conditions, to **TAKE, CATCH, POSSESS, and TRANSPORT** the regulated marine life listed below and non-regulated marine life as listed in Appendix 1 & 2, from waters of the State, as follows:

TYPES	DESCRIPTION	LIMITS see Special Conditions	LOCATIONS see Special Conditions
Live Rock		600 pounds	Oahu
Banded spiny lobster	Panulirus marginatus	3	"
Scaly slipper lobster	Scyllarides squammosus	3	"
Convict tang	Acanthurus triostegus	30	"
Bluespine unicornfish	Naso unicornis	10	"
Orangespine unicornfish	Naso lituratus	10	"
Manybar goatfish	Parupeneus multifasciatus	20	"
Yellowstripe goatfish	Mulloidichthys flavolineatus	50	"

CONDITIONS

PART I. GENERAL

- A. This permit becomes effective when the following process is completed.
1. Each assistant must be listed at the end of this permit.
 2. The permittee and each assistant must read the permit completely; and must acknowledge understanding of and agreement to abide by conditions of the permit, by signing *both* copies of the permit in the spaces provided.
 3. *Both* copies of the permit with permittee's and assistants' signatures must be returned to the Division of Aquatic Resources (the Division).
 4. **The permit becomes valid when signed by an authorized representative** of the Department; the Department will return one validated copy to the permittee.
 5. The permittee agrees to notify the Division immediately of any change in assistants. Additional persons may be added as assistants by validation: each must sign an "Attachment" form, which must be returned to the Division for validation; once approved, such persons are added to the permit.
- B. The permittee agrees to obtain written approval of the Division prior to conducting any activity that is prohibited under the permit (i.e. request in advance changes to permit conditions).
- C. This permit does not make the Board of Land and Natural Resources or State of Hawai'i liable in any way for claim of personal injury or property damage which may result from activity authorized by this permit; the permittee and all assistants agree to hold the Board and State harmless against any and all claims of injury, death or damage resulting from actions or omissions under this permit.
- D. This permit conveys authority **ONLY** of the Department relating to the Division's jurisdiction over aquatic resources: the permittee remains responsible for obtaining all other prior permission from other applicable authorities (such as owners of and tenants upon private lands; other divisions of the Department; other local, State and Federal agencies--this permit authorizes collecting organisms protected by Federal law only with appropriate Federal authorization).
- E. The permittee and also each assistant is individually responsible and accountable for his or her actions while performing activities authorized by this permit; the permittee is additionally responsible and accountable for the actions of each assistant.
- F. This permit is neither transferrable nor assignable to another person.
- G. The permittee or assistant must carry a copy of this permit on location while performing activities authorized by this permit.

- H. Authority granted by this permit ends on the "Expiration Date" on the first page of this permit; within **one month** of the expiration date, the permittee agrees to **return this permit** to the Division **with a Collecting Report completed for the full duration of this permit**, reporting results of *all* collecting under this permit on the form provided with this permit.
- I. The permittee and assistants agree to provide access to data obtained under this permit upon request of the Division, to provide the Division one copy of each report prepared with such data and published for distribution, and to allow Department staff to inspect on permittee's premises organisms collected under this permit.
- J. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, the Department may consider any such violation as grounds for denying any future application for this or any other permit issued by the Department. The permit may not be reissued if the permittee is not in compliance with the terms and conditions of this permit or any other permit issued to the permittee by the department of land and natural resources.
- K. The permittee may request change of a condition or conditions of this permit by writing to the Division; if approved by the Department, the Division will issue an attachment ("Amendment") that shall become part of, and amend terms of, this permit. The Department may impose additional conditions to, or restrictions of, this permit by written notice to the permittee.

PART II. SPECIAL CONDITIONS

1. **GENERAL STATEMENT:** This permit authorizes collecting and possession of live rock pieces of no larger than 2 feet in diameter, and other marine life listed on the table on page 1, subject to the conditions of this permit.
 - a. For spiny and slipper lobsters, no females may be taken, but undersized and take during closed season is authorized up to the number limits listed on page 1. For all other regulated species on the table on page 1, undersized fish may be taken.
2. **LOCATIONS:** Collecting activities under this permit is limited to waters of the Island of Oahu and is expressly prohibited at the following locations.

<u>ISLAND OF MAUI</u>	<u>ISLAND OF O'AHU</u>	<u>ISLAND OF HAWAI'I</u>
Kahului Harbor FMA ¹	Ala Wai Canal FMA	Hilo Bay FMA
Honolua-Mokuleia MLCD ²	Coconut Island MLR	Kealahakua Bay MLCD
Molokini MLCD	Diamond Head SFMA	Kailua Bay FMA
Ahihi-Kinau NAR ³	Haleiwa Harbor FMA	Kawiahae Harbor FMA
	Hanauma Bay MLCD	Old Kona Airport MLCD
	Heeiea Kea FMA	Lapakahi Bay MLCD
<u>ISLAND OF LANA'I</u>	Kapalama Canal FMA	Puako FMA
Manele Harbor FMA	Paiko Lagoon Wildlife Refuge	Waiakea PFA ⁴
Manele-Hulopoe MLCD	Pupukea MLCD	Wailea Bay MLCD
	Waialua Bay FMA	Wailuku River FMA
<u>ISLAND OF MOLOKA'I</u>	Waikiki MLCD	Wailoa River FMA
Kaunakakai Harbor FMA		Waiopae Tidepools MLCD
		West Hawaii Regional Fishery Management Area (comprising 9 Fish Replenishment Areas)
<u>ISLAND OF KAUA'I</u>		
Ahukini Pier FMA		
Hanamaulu Bay FMA		
Kapaa Canal FMA		
Waikaena Canal FMA		
Waimea Pier & Bay FMA		

¹ FMA -Fisheries Management Area; ² MLCD - Marine Life Conservation District; ³NAR - Natural Area Reserve; ⁴ PFA - Public Fishing Area

3. **COLLECTING PRACTICES:** The permittee is responsible for persons engaging in activities under this permit behaving professionally and responsibly, in a manner which does not generate conflict with public or private sectors, including fishing and dive-tour operations and local communities.
- a. Collecting activities under authority of this permit must be supervised directly, on site, by either the permittee or an appointed representative (who must be a signatory of this permit).
 - b. **Large Colonies:** No extractive or invasive sampling will be done on, or near, any intact coral colony measuring larger than 1 m x 1 m x 1 m. Specific efforts will be made to avoid damage to any large colonies of coral.
 - c. The Division may require the permittee to accommodate the presence of an observer specified by the Division during collection and research activities. A record will be kept of each collection comprising specific location, date, species and amount collected. This record will be made available to the Division upon request.
4. **NOTICE:**
- a. Collecting generally - the permittee must give notice, in form specified by the Department, to DAR neighbor island offices *and* to the neighbor island office of the Department's Division of Conservation and Resources Enforcement (DOCARE), at least 2 hours prior to initial commencement of any collection activity under this permit targeting coral or live rock.
 - b. Mass mortality - the permittee must notify DAR O'ahu at 808-587-0100 or DOCARE at 643-3567 within one day of
 - 1) Any instance of major damage caused to coral or other marine natural resources as a result of collection or other research activities conducted under this permit; or
 - 2) Mass die-off, disease, or health problems occurring with organisms kept alive that were collected under this permit.
5. **GEAR AND METHODS**
Use of any chemical substances pursuant to Section 188-23, Hawai'i Revised Statutes, **electrical shocking devices, or explosives remains expressly prohibited.**
- a. This permit authorizes the use of small mesh (less than 2") nets, including hand, barrier, and aquarium nets, to take the species listed on page 1 and Appendix 1 & 2.
6. **USE OF ORGANISMS:** Organisms and live rock taken from Hawai'i waters under authority of this permit may be used only for public display and education:
- a. Organisms collected under authority of this permit may not be used for personal consumption or sale.
 - b. Written approval must be obtained from the Division prior to:
 - 1) Purchasing or acquire Hawaii regulated organisms (regardless of origin) alive from any other party; or
 - 2) Exchanging or donating any organisms collected under this permit to any other person, party or organization.

- c. The permittee may not convey in any fashion (including, but not limited to, selling, trading, or giving) any live rock to any person or party in Hawai'i that does not already have a permit from the Department authorizing possession of same and without direct, written approval from the Division.
7. **ANNUAL REPORT:** Upon expiration, the permittee must provide to the Division a final written report summarizing results of collecting activity carried out under this permit and the analysis of the data:
- a. The annual report should provide a written explanation as to how the collection of a fully-protected marine species for scientific study is benefiting the State of Hawai'i in general and specifically, the improved management of the species.
 - b. The final report must describe, in form specified by the Department,
 - 1) Names and total numbers/quantities of all specimens collected under this permit;
 - 2) Their dispositions (e.g. on display; released/returned to the ocean; died); and
 - 3) **Description of any additional benefits** beyond the scientific analysis provided to the Division or the public during the period.
 - c. An inventory of organisms (dead or alive) present at the facility or with the permittee the end of the report period, in form acceptable to the Division, must accompany the annual report.
 - d. The **annual report is due at the Division's Honolulu office within one calendar month after expiration of the permit**, and is required prior to any renewal of this permit.

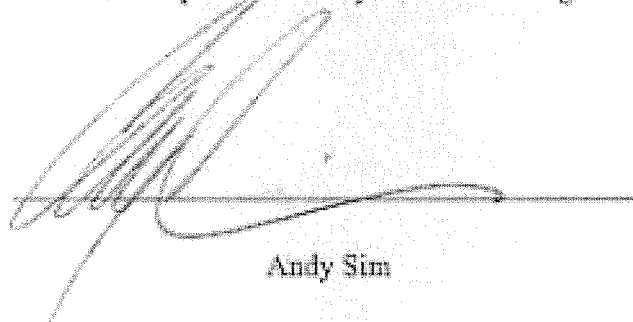
VALIDATING SIGNATURE

LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

cc: (x) DLNR Division of Conservation and Resources Enforcement

ACKNOWLEDGING SIGNATURES

By our signatures below, the Permittee and assistants, acknowledge that we have read and understand the General and Special Conditions of this Special Activity Permit and agree to comply with all of these conditions.

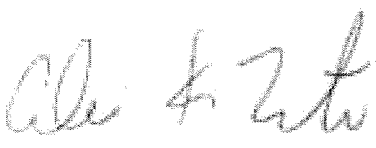


A handwritten signature in dark ink, appearing to read 'Andy Sim', is written over a horizontal line.

Andy Sim

Permittee

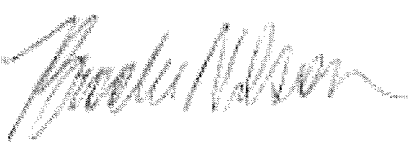


Special Activity Permit

Designated Assistants

Sign:  Type Name: Alan Tomita	Sign:  Type Name: Steve Yong
Sign:  Type Name: Tim Carpenter	Sign:  Type Name: Andrea Dos Santos
Sign:  Type Name: Roberta Brooks	Sign:  Type Name: Michael Johansson
Sign:  Type Name: Diane Johansson	Sign:  Type Name: Joel Hollander
Sign:  Type Name: Chris Van Damme	Sign:  Type Name: Kathryn Kegel

Special Activity Permit

Designated Assistants

<p>Sign: </p> <p>Type Name: Brooke Nelson</p>	<p>Sign: </p> <p>Type Name: Giovannina Souers</p>
<p>Sign: </p> <p>Type Name: Nicole Kilebrew</p>	<p>Sign:</p> <p>Type Name:</p>
<p>Sign:</p> <p>Type Name:</p>	<p>Sign:</p> <p>Type Name:</p>
<p>Sign:</p> <p>Type Name:</p>	<p>Sign:</p> <p>Type Name:</p>
<p>Sign:</p> <p>Type Name:</p>	<p>Sign:</p> <p>Type Name:</p>

Seattle Aquarium Invert Collection List

Appendix 2. The number refers to the maximum number of animals of each species that is authorized under SAP 2009-90.

	Scientific Name	Common name	Number
Crabs	Calcinus sp.	hermit crab	100
	Percnon planissimum	flat rock crab	30
	Stenopus hispidus	banded coral shrimp	25
Snails	Trochus intextus	woven top snail	50
	Turbo sandwicensis	Hawaiian turban	50
	Cypraea caputserpentis	snakehead cowry	20
Worms	Sabellastarte spectabilis	featherduster worm	20

Seattle Aquarium Fish Collection List

Appendix 1. The number refers to the maximum number of animals of each species that is authorized under SAP 2009-90.

Family	Scientific Name	Common name	Number
Moray Eels	Echdna nebulosa	snowflake moray	5
	Gymnomuraena zebra	zebra moray	5
	Enchelycore pardalis	dragon moray	1
Squirrelfish	Sargocentron xantherythrum	Hawaiian squirrelfish	20
Trumpetfish	Aulostomus chinensis	trumpetfish	5
Scorpionfish	Taenianotus triacanthus	leaf scorpionfish	4
Frogfish	Antennarius sp.	frogfish	4
Gurnards	Dactyloptena orientalis	helmet gurnard	4
Hawkfish	Amblycirrhitus bimacula	twospot hawkfish	10
	Cirrhitops fasciatus	redbarred hawkfish	10
	Cirrhitus pinnulatus	stocky hawkfish	10
	Paracirrhites arcatus	arc-eye hawk fish	10
	Paracirrhites forsteri	blackside hawkfish	10
Goatfish			
	Upeneus arge	bandtail goatfish	10

Butterflyfish	Chaetodon auriga	threadfin butterflyfish	12
	Chaetodon unimaculatus	teardrop butterflyfish	4
	Chaetodon longirostris	longnose butterflyfish	12
	Chaetodon tinkeri	tinker's butterflyfish	2
	Chaetodon quadrimaculatus	4 spot butterflyfish	12
	Chaetodon ephippium	saddleback butterflyfish	4
	Chaetodon miliaris	milletseed butterflyfish	12
	Chaetodon fremblii	blue lined butterflyfish	12
	Chaetodon lunula	raccoon butterflyfish	12
	Hemitaenichthys polylepis	pyramid butterflyfish	4
	Heniochus diphreutes	pennantfish	4

Angelfish	Centropyge potteri	potter's angel	8
	Centropyge loricula	flame angel	4
	Centropyge fisheri	fisher's angel	4
	Desmoholacanthus arcuatus	bandit angel	4

Damselfish	Chromis hanui	chocolate dipped chromis	20
	Chromis vanderbilti	blackfin chromis	60

Wrasses	Anampses chrysocephalus	psychedelic wrasse	6
	Coris flavovittata	yellowstripe coris	3
	Coris gaimard	yellowtail coris	6
	Coris venusta	elegant wrasse	6
	Gomphosus varius	bird nose wrasse	8
	Halichoeres ornatissimus	ornate wrasse	6
	Labroides phthirophagus	Hawaiian cleaner wrasse	6
	Macropharyngodon geffroyi	geffroy's wrasse	6
	Novaculichthys taeniour	rockmover wrasse	8
	Pseudocheilinus tetrataenia	fourstripe wrasse	4
	Thalassoma duperrey	saddle wrasse	8
	Thalassoma trilobatum	christmas wrasse	4

Blennies	Cirripectus vanderbilti	scarface blenny	10
	Entomacrodus marmoratus	marbled blenny	6

Surgeonfish	Acanthurus nigroris	blue lined tang	10
	Acanthurus olivaceus	orange shoulder tang	10
	Ctenochaetus strigosus	kole tang	12
	Acanthurus leucopareius	whitebar surgeonfish	12
	Acanthurus guttatus	whitespotted surgeonfish	10
	Zebrasoma flavescens	yellow tang	12
Triggerfish	Rhinecanthus aculeatus	picasso trigger fish	4
	Melichthys niger	black durgon	8
Filefish	Aluterus scriptus	scrawled filefish	4
	Pervagor spilosoma	fantail file fish	4
Trunkfish	Lactoria fornasini	thornback cowfish	4
	Ostracion meleagris	box fish	4
Puffers	Diodon holocanthus	spiny balloonfish	4
	Diodon hystrix	porcupinefish	4
	Canthigaster amboiensis	ambon toby	8
	Canthigaster coronata	crown toby	8
	Canthigaster jactator	whitespotted toby	8